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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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10 ROSA G. PEREZ.

11 Plaintiff(s),

12 vs.

13 MICHAEL J. ASTRUE, *et al.*,

14 Defendant(s).

15 ) 2:04-cv-1402-RLH-RJJ

**O R D E R**

16 Before this Court is the Report and Recommendation of United States Magistrate  
17 Judge (#30, filed March 31, 2008), entered by the Honorable Robert J. Johnston, regarding the  
18 Ninth Circuit's Memorandum Opinion (#24). No objection was filed to Magistrate Judge Johnston's  
19 Report and Recommendation of United States Magistrate Judge in accordance with Local Rule IB  
20 3-2 of the Rules of Practice of the United States District Court for the District of Nevada, and the  
21 matter was submitted for consideration.

22 The court has conducted a *de novo* review of the record in this case in accordance  
23 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and  
24 Recommendation of Magistrate Judge Johnston should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommen-  
2 dation (#30, entered March 31, 2008) is AFFIRMED and ADOPTED and the matter is remanded to  
3 the Administrative Law Judge for further proceedings consistent with the findings and conclusions  
4 stated in the Report and Recommendation.

5 Dated: May 7, 2008.

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8 ROGER L. HUNT  
Chief U.S. District Judge  
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